

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Co Special Permit #200

Date: March 14, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: April 2, 2003

PROPOSAL: A special permit to locate a permanent mobile home.

WAIVER REQUEST:

LAND AREA: 128.91 acres, more or less.

CONCLUSION: This appears to be a trailer purchased during the transition to enforcement of regulations being applied to farms. Conditional approval can accommodate the intent of the resolution and interests of the applicant.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 25 I. T. and the former C & N W Railroad Right - of - Way located in the NE 1/4 of Section 6, T11N, R7E of the 6th P.M., Lancaster County, Nebraska;

LOCATION: N. 40th Street and Raymond Road

APPLICANT: Greg and Susan Anderson
3701 Raymond Road
Davey, NE 68336
(402) 657-5200

OWNER: Carol A. Anderson
3707 Raymond Road
Davey, NE 68336
(402) 785-3235

CONTACT: Greg Anderson
(402) 601-0003

EXISTING ZONING: AG Agricultural.

EXISTING LAND USE: Agriculture, farm buildings, one house and one mobile home.

SURROUNDING LAND USE AND ZONING:

North: Agriculture, zoned AG

South: Agriculture, zoned AG

East: Agriculture and one residence, zoned AG

West Agriculture, acreages to about 1/2 mile west, all zoned AG

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture. This is outside the Lincoln Growth Tiers.

Acknowledge the “Right to Farm” and preserve areas for agricultural production throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (pg F 70)

UTILITIES: There is no public sewer or water available.

TOPOGRAPHY: This is generally rolling land, draining to the south and southwest. This is the top of a hill.

TRAFFIC ANALYSIS: Raymond Road and North 40th Street are gravel county roads. They are not shown for future county improvement. N. 56th Street is a paved highway, one mile east of this land.

PUBLIC SERVICE: This is in the Raymond Rural Fire District, Waverly School District # 145 and Norris Public Power District.

REGIONAL ISSUES: Trailers and mobile homes on farms.

ENVIRONMENTAL CONCERNS: There are no identified Historic resources. The soil rating is 5.7 on a scale of 1-10 where 1-4 is prime soil. This is not prime soil. There are drainage ways through the site and some freshwater wetlands in those areas. There is no FEMA floodplain shown.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: Continued farming and/or up to 6 dwellings or farm related dwelling at one per 20 acre.

ANALYSIS:

1. This request is for a Special Permit to place a mobile home as a permanent residence on an individual lot. The mobile home is currently in place. It is represented to be for a member of the family to live in for about five years.
2. Prior to the adoption of County Resolution #02-0106 on September 17, 2002, Building permits and zoning were not being enforced on "farms" over 20 acres. Thus the mobile home could have been put in place. After September 17th, a dwelling or mobile home must meet the County zoning and building code regulations.
3. The following zoning provisions now apply:

Article 3.013 (7) All inhabited mobile homes shall be located in a mobile home court; in a campground in which a mobile home shall be used only for conducting the business of the campground and may also be used as a dwelling for the campground manager; in a private recreational area, or on a farmstead in which the inhabitants of the mobile home are substantially involved in the operation of the farm, except as permitted by Sections 4.005, 5.005 and 6.005, and Article 13 of this resolution. Only mobile homes permitted by this resolution and uninhabited mobile homes offered for sale by dealers and manufacturers shall be connected to utilities. Any vehicle, with or without motive power, designed for living quarters, must comply with the provisions of this resolution. No mobile home shall be used for any purpose other than a dwelling, except a mobile home may be used as a temporary office or shelter incidental to construction or development of the premises on which the mobile home is located during the construction or development. (Resolution No. 3777, January 18, 1983; Resolution No. 4213, August 5, 1986)

Article 3.013 (8) For purposes of paragraphs 6 and 7 above, the following shall be considered to determine the inhabitants' involvement in the operation of the farm: percentage of income from farm, percentage of time spent farming, members of the family farming, proprietary interest in real or personal farm property or farm produce, future interest in farm, and expenditures in the farming operation. (Resolution No. 3668, February 2, 1982) *The residents of this mobile home do not meet the standards to be a farmstead*

A farm may have more than one main building (residence) Article 17.023).

4. Article 4.007, special permits provides:
 - t) A mobile home on an individual lot subject to the following conditions:
 - 1) The lot meets all the height and area regulations of this district except the County Board may increase the yard areas;

- 2) The mobile home is securely and permanently attached to a permanent foundation complying with the building codes;
 - 3) The towing bar and hitch, wheels and tires, and axles are removed. (Resolution No. 3777, January 18, 1985)
5. The existing trailer does not meet the requirements of Article 3.013 (7) and (8).
 6. The existing trailer appears to meet the requirements of Article 4.007 (t).
 7. The County Engineer notes no objections to the request, provided access is provided at the existing location.
 8. Health Department notes that onsite wastewater treatment system permit was issued for this property on October of 2002 and a private well is proposed for the water supply.

CONDITIONS FOR SPECIAL PERMIT #200:

Site Specific:

1. This approval permits one mobile home as a permanent residence under the provisions of 4.007 (t). Said mobile home shall be occupied and used by related family or other farm use such as a hired hand and shall be removed after five years from the date of approval.

STANDARD CONDITIONS:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying this mobile home, all development and construction is to comply with the approved plans.
 - 2.2 Before occupying this mobile home, City/County Health Department is to approve the water and waste water systems.
 - 2.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 2.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 2.5 The County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

Prepared by:

Michael V. DeKalb AICP
Planner

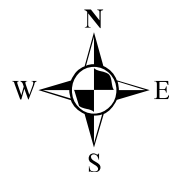
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Raymond Rd.

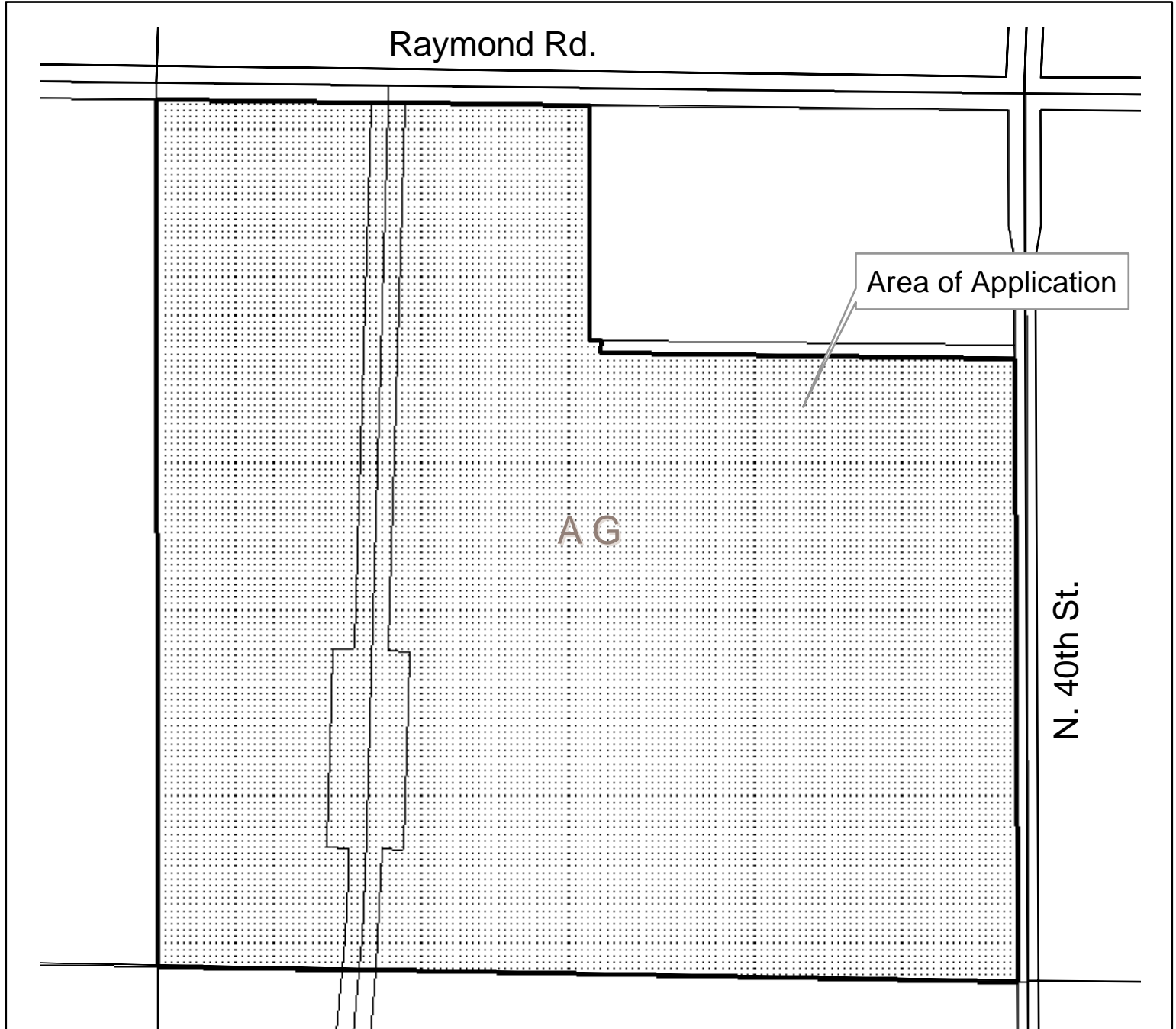
N. 40th St.

Area of Application

County Special Permit #200 N. 40th & Raymond Rd.



Lincoln City - Lancaster County Planning Dept.
1999 aerial

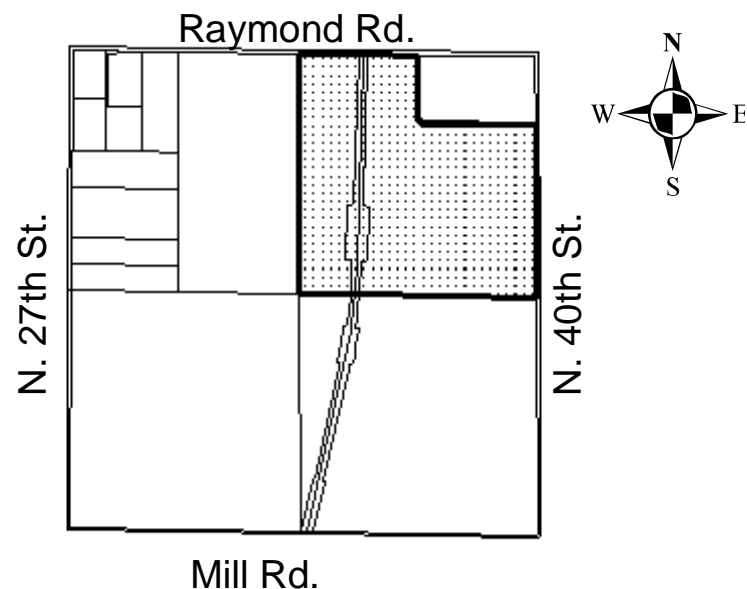
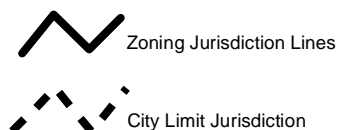


County Special Permit #200 N. 40th & Raymond Rd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 6 T11N R7E



Our Purpose Statement

Submitted by Gregory L. and Susan M. Anderson

1. These first paragraphs outline a timeline of events that should explain why we need to obtain a Special Permit.
2. The final paragraph is **The Purpose Statement**.

In June of 2002 my wife, Susan, and I asked my grandmother's permission to place a modular home on her land. We had originally gotten the idea from my parents Ron and Karen Anderson who had placed a modular home on the same land in the 1970's. They were newlyweds in college and were looking for a way to save some money. This worked well for them so we thought we would check into the requirements needed for us to do the same thing. In June of 2002 we began researching the legal requirements of placing a modular home in rural Lancaster county on land owned by my grandmother, Carol Anderson.

Susan began making phone calls to the Building and Safety Department and the Planning Department in late June and was told the materials we needed could be accessed via the Internet. We had difficulties accessing the documents we needed so on Wednesday, July 24th I visited the Lancaster County Building and Safety. I was shown the criteria needed to put a modular home in Lancaster County. My first question was whether or not a 16 ft. wide home would meet the criteria. As the lady helping me was pointing out that this would not meet the criteria, the gentleman next to her suggested that with an **agricultural exemption** we would not have to meet any building codes. The lady went on to explain that if the owner of the land had annual agricultural income of \$2000 or more we would qualify. All we needed was a septic permit and we were set.

In July of 2002 we began looking for a modular home to buy. We went to several locations during this process. On August 10th we found the modular home we wanted to purchase. Our next step was to meet with the bank to get a loan. It took several weeks for the loan to go through before we could actually purchase the home. On September 9th we purchased the home and the Title was signed over to us. We then began making more phone calls to hire someone to move the home to our new location. On September 25th taxes were paid and an "Intent to Move" permit was signed by the County Treasurer. Due to inclement weather we were unable to move our home until October 13th, 2002.

The same wet weather also kept us from getting our concrete footings poured. On October 8th, 2002 (2 days before our footings would be poured and 5 days before our scheduled move) Susan was calling to line up our electrical permit. She was getting quite the run-a-round and finally ended up calling The Lancaster County Building and Safety Dept. to get some guidance. It was during this phone call that she spoke with Terry Kathy and was told that what we were trying to do was now illegal and that we should not proceed any further with our move. According to Terry, the law regarding "Agricultural Exemptions" had been changed in mid September. My wife immediately called me with the news. I turned to my father for advice; he made some calls and found out that Chuck Zimmerman was the person I needed to speak with.

I spoke with Mr. Zimmerman on Thursday, October 10th to essentially, plead our case. Chuck was very helpful, he explained that he needed to talk to the County Board of Commissioners but would get back with us as soon as possible. During this conversation, I explained that in order to have our home insured it had to be moved to its permanent location and asked Mr. Zimmerman if it would hurt our position to move our home as scheduled on Sunday, October 13th. He explained that we could move it as long as it was not being lived in. The following Monday, I called Mr. Zimmerman. During our conversation he advised us that although he couldn't promise anything, the Commissioners that he had spoken with had "noddod their heads in the right direction." We were instructed to meet with Mike Dekalb in the Planning Department and apply for a "Special Permit". We immediately called Mr. Dekalb and got the instructions for our permit application. The fee for this application was \$595 dollars and we haven't been able to afford that until now. In retrospect we wish we'd taken out an extra \$5000 dollars with our loan to cover this permit, our septic system and the rock for our driveway, but hindsight is always 20/20. Please don't hold our sluggishness at turning in this application against us it was cause by lack of funds and not by a lack of willingness.

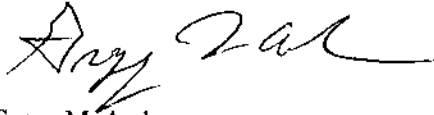
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PLANNING

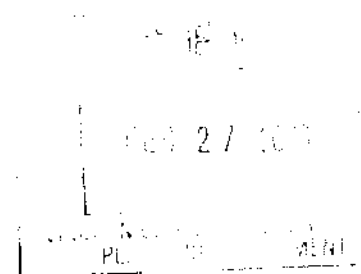
The first thing we hope you see when looking at the map accompanying this application the tasteful location of our home. It is not just set down right along side the road. We have a substantial windbreak that is nearly 20 years old. This not only shelters us from winter storms, but gives us privacy as well. (You can barely even see our home from the road.) Our home was built in 2000 and is in excellent condition. In the five years it will take for us to pay for our home we will be able to save enough money for a substantial down payment on a house. This is by no means going to be a permanent fixture on our family's farm. Please take these points into consideration.

Sincerely,

Gregory L. Anderson

A handwritten signature in black ink, appearing to read "Gregory L. Anderson". The signature is fluid and cursive, with the first name being particularly prominent.

Susan M. Anderson

A handwritten signature in black ink, appearing to read "Susan M. Anderson". The signature is written in a cursive style, with the first name being the most legible part.

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North
↑

10 ft.
↑

Lilac Bushes 7 ft to 10 ft tall
Shrubs 10 ft to 12 ft tall
Cedar 16 ft to 20 ft tall
Scotch Pine 20 ft to 25 ft tall

Outbuilding

Outbuilding

Septic Tank

Laterals

Modular Home
26 ft x 32 ft

Driveway

Machine Shed

600' ± to
County Road
←

Grains

Common Drive

50

55

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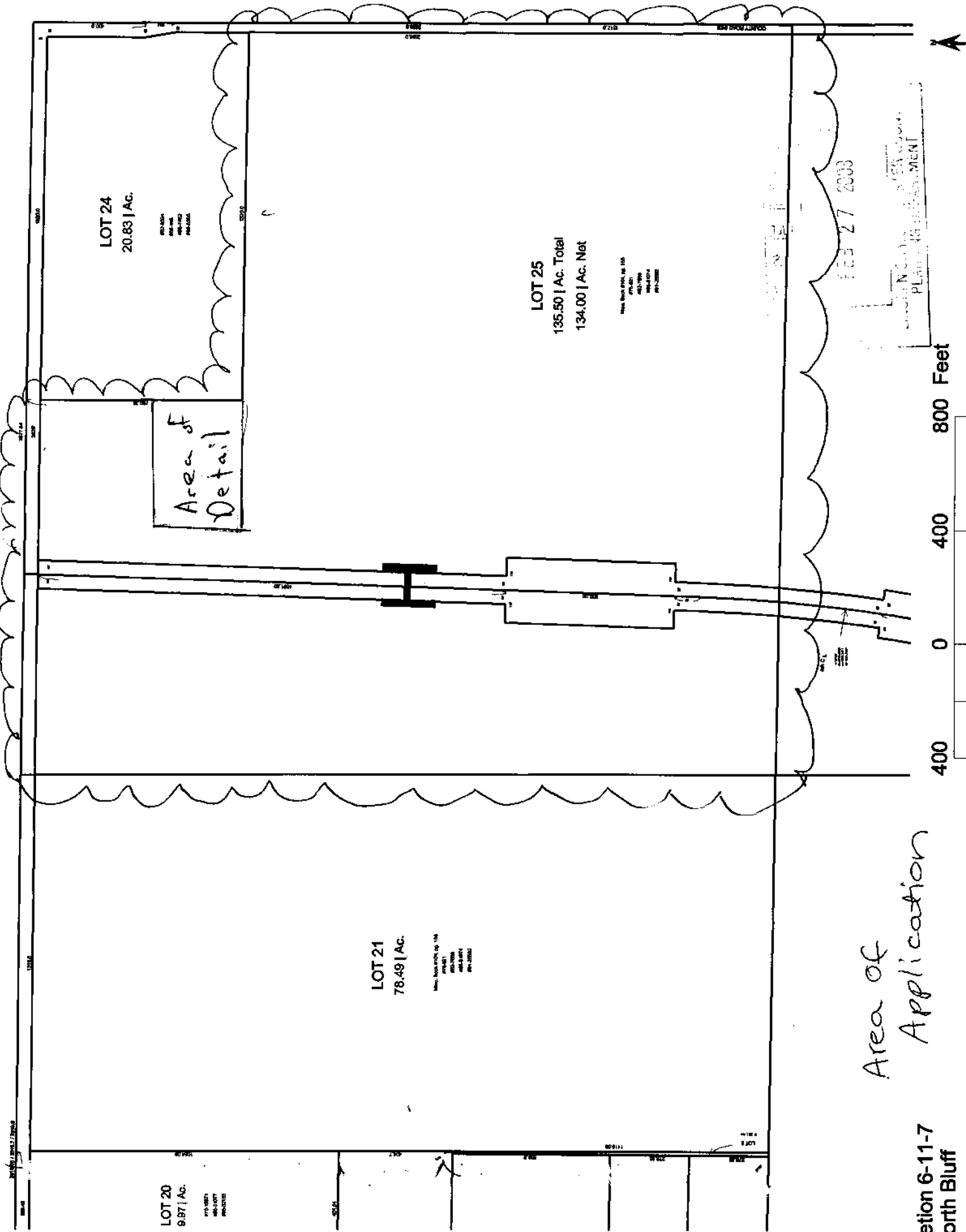
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Area of Application

Section 6-11-7
North Bluff



Lancaster

County

Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

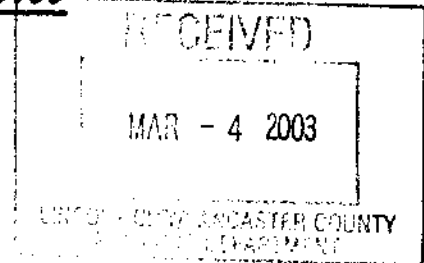
DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: March 3, 2003

TO: Mike DeKalb
Project Planner

FROM: Larry V. Worrell
County Surveyor

SUBJECT: COUNTY SP #200
NORTH 40th AND RAYMOND ROAD



Upon review, this office has no direct objections to this submittal, subject to access being provided through existing locations.

LVW/bml

Docs/Zone/No Objection Memo.County SP #200

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: March 10, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: SP #200 County
N. 40th & Raymond Rd.

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for the special permit with the following items noted:

- An onsite wastewater treatment system permit was issued for the property in October of 2002. The installation of the system was inspected by LLCHD on November 4, 2002.
- The water supply for the property will either be a private well or the applicant may connect to an existing well serving the existing property. The LLCHD has not received any information to indicate that quantity or quality of water will be a problem in this area.
- The onsite wastewater treatment system permit that was issued by LLCHD was based on the representation by the applicant that more than 3 acres was available. The property encompasses approximately 134 acres. If the applicant decides to sub-divide and separate the properties, the LLCHD will require that a minimum of 3 acres or more be sub-divided with each property. This requirement is based on County Resolution 02-30.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.